

## REMARKS

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1, 8, 9, 11, 13-16, 25-30, and 41-63 are currently pending.
- Herein Applicant amends claims 1, 8, 16, 25, 42, 46, and 49-63.

The application as originally filed supports the amendments to claims 1, 8, 16, 25, 42, 46, and 50 at least at FIGs. 7 and 8, paragraphs [0037], [0047]-[0056], [0060] and [0063]. The amendments to claims 49 and 51-63 are solely to address the claim objection as discussed below. The amendments submitted herein do not introduce any new matter.

### Claim Objection

The claims stand objected to for an inadvertent numbering error introducing a second claim 47 after claim 48 and affecting the claims thereafter. Applicant thanks the Examiner for recognizing the error. Applicant amends the claim numbers herein to reflect the numbering correction indicated by the Examiner. Accordingly, Applicant respectfully requests that the Office withdraw the pending objection

### Claims 8, 16, 48, and 57 Recite Statutory Subject Matter Under § 101

Claims 8, 16, 48, and 57 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

In particular, Applicant traverses the statement of the Office that "The phrase 'article of manufacture' has been described frequently as being just a signal." *Action*, p. 3. The statute codified at 35 U.S.C. § 101 provides a "manufacture" as one of

the enumerated statutory classes. Accordingly, it appears that the Office is taking a stance akin to official notice that is contrary to that set forth within the four corners of the code. Applicant respectfully challenges the finding of the Office on the basis of an error contrary to the code and requests that the Office produce evidence supporting the finding that an article of manufacture can be "just a signal."

Nevertheless, for the sole purpose of expediting allowance and without commenting on the propriety of the Office's rejections, Applicant herein amends claims 8 and 16 as shown above. Applicant respectfully submits that these amendments render the § 101 rejection of claims 8 and 16 moot.

### Cited Documents

The following documents have been applied to reject one or more claims of the Application:

- **Ellis:** Ellis, et al., U.S. Patent Application Publication No. 2005/0283800
- **Hassell '615:** Hassell, et al., U.S. Patent Application Publication No. 2007/0033615
- **D'Souza:** D'Souza, et al., U.S. Patent Application Publication No. 2006/0117348
- **Knudson '823:** Knudson, et al., U.S. Patent No. 7,254,823
- **Jerding '982:** Jerding, U.S. Patent No. 6,738,982
- **Houghton:** Houghton, et al., U.S. Patent Application Publication No. 2005/0021609
- **Takahashi:** Takahashi, et al., U.S. Patent Application Publication No. 2003/0093795
- **Jerding '616:** Jerding, et al., U.S. Patent No. 6,792,616
- **Knudson '577:** Knudson, et al., U.S. Patent No. 6,526,577
- **Shnier:** Shnier, U.S. Patent Application Publication No. 2002/0049974
- **Hoarty:** Hoarty, U.S. Patent No. 6,305,020

- **Grooters:** Grooters, U.S. Patent No. 6,883,176
- **Hassell '304:** Hassell, et al., U.S. Patent Application Publication No. 2010/0180304

**Claims 1, 8, 47, and 48 Are Non-Obvious Over Ellis, Hassell '615, and D'Souza**

Claims 1, 8, 47, and 48 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ellis in view of Hassell '615 and further in view of D'Souza. Applicant respectfully traverses the rejection. Nevertheless, solely in the interest of expediting issuance, Applicant amends claims 1 and 8 as shown above. Applicant respectfully requests that the Office reconsider claims 1, 8, 47, and 48.

**Independent Claim 1**

Claim 1, as amended herein, recites (with added language underlined):

A method comprising:

receiving, by a client device, electronic program guide (EPG) data from an EPG provider, the EPG data describing characteristics of media assets that are available from a content provider;

identifying, by the client device, one or more locally available media assets, the locally available media assets including:

    a local media asset previously stored on the client device from a broadcast of a content provider over the network; and

    a local media asset that is available for output through execution of an application installed on the client device, the application being selected from a group of applications;

generating, by a guide application on the client device, an EPG display based on the EPG data and the locally available media assets, the EPG display being configured to simultaneously display different types of media assets including the media assets that are available from the content provider and each of the local media assets as respective different types of media assets, each media asset being directly selectable through interaction with the EPG display;

receiving a user-submitted selection of a particular media asset represented in the EPG display, the particular media asset being selected from those being simultaneously displayed;

in response to the user-submitted selection of the particular media asset being received through interaction with the EPG display:

the guide application passing the user-submitted selection to a virtual tuner executed on the client device; and

the virtual tuner executed on the client device selecting an application for presenting the particular media asset;

managing, by the virtual tuner, execution of the application for presenting the particular media asset, wherein the managing includes:

receiving an event that includes a universal content descriptor;

determining whether an application from the group of applications is currently providing a media asset for output; and

in an instance no application from the group of applications is currently providing a media asset for output, identifying, based at least on the universal content descriptor, an application corresponding to the event from the group of applications.

A combination of Ellis, Hassell '615, and D'Souza, assuming the trio is properly combinable, which Applicant does not concede, does not render unpatentable claim 1, at least as amended.

Ellis describes an "interactive television program guide system that serves as a portal" to "program guide applications and non-program guide applications." See *Ellis*, Title and Abstract. Before the amendment, the Office acknowledges, and Applicant agrees that Ellis does not teach or suggest each claimed feature of claim 1. In an effort to remedy the deficiency of Ellis, the Office cites Hassell '615 and D'Souza.

Hassell '615 describes a "television program guide with a digital storage device and a secondary storage device." *Hassell '615*, Title.

Meanwhile, D'Souza describes, "displaying editorial content through television navigation controls and electronic program guides." For example, the system of

D'Souza presents a "surf guide" in response to a user input while viewing media content. The surf guide provides details about the current media content, and also includes a graphical control that allows the user to access editorial content items related to the current media content. See *D'Souza*, FIG. 5 and [0040]. When the user selects the editorial content graphical control, the presentation software displays an editorial content index listing the available editorial content items. From there, the user can select any of the listed editorial content items. See *Id.*, [0041].

However, none of the cited documents, whether taken alone or in combination, teach or suggest at least the following as recited in amended claim 1 (with emphasis added):

managing, by the virtual tuner, execution of the application for presenting the particular media asset, *wherein the managing includes:*  
*receiving an event that includes a universal content descriptor;*  
*determining whether an application from the group of applications is currently providing a media asset for output; and*  
*in an instance no application from the group of applications is currently providing a media asset for output, identifying, based at least on the universal content descriptor, an application corresponding to the event from the group of applications.*

Amended claim 1 is allowable over Ellis, Hassell '615, and D'Souza at least by virtue of the amendment. Applicant bases the amendment on portions of dependent claim 46. In the rejection of those portions, the Office acknowledges that Ellis, Hassell '615, D'Souza, and Hassell '304 do not teach or suggest these features, and cites Shnier in an effort to remedy the deficiency. *Action*, pp. 39-40 (citing Shnier [0118]-[0120]).

Shnier describes, "creating a customized program from a variety of sources." *Shnier*, Title. The cited portions of Shnier discuss how a "Customized RealAudio RAM file" having particular "contents is given a name with a .ram extension," and that based on the .ram filename extension the file will be sent to a RealPlayer for processing. The RealPlayer will then interpret the file based on the encoding of the contents using the RealPlayer protocol. *Shnier*, [0114]-[0120]. Shnier admits "that there are other digitized video and audio players and file formats, such as those for Microsoft Corporation's Windows Media Player, [which have] many differences, such as the ... methods ...for invoking ... it, the audio encoding method, the program file format, and the commands used to control the player." *Id.*, [0120]. Shnier then states that "Windows Media Player, or a combination of such players ... can be required [to implement the invention of Shnier] since the players each generally only support a few streaming media encoding formats." *Id.* Thus, Shnier simply describes a particular file extension identifying a corresponding media player while discussing that other media players, with their own file formats, would be necessary. Such a single media player file extension in no way teaches or suggests "receiving an event that includes a universal content descriptor," or employing the "universal content descriptor," as recited in amended claim 1.

For at least the reasons presented herein, the combination of Ellis, Hassell '615, and D'Souza, with or without the addition of Shnier, does not teach or suggest all of the features of claim 1. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 1.

Dependent Claims 8, 47, and 48

Claims 8, 47, and 48 depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 8, 47, and 48 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 8, 47, and 48.

Claims 9, 11, 13, 14, 16, 49, 56, and 57 Are Non-Obvious Over Knudson '823, D'Souza, and Jerding '982

Claims 9, 11, 13, 14, 16, 49, 56, and 57 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, and Jerding '982. Applicant respectfully traverses the rejection. Applicant respectfully requests that the Office reconsider claims 9, 11, 13, 14, 16, 49, 56, and 57.

Independent Claim 9

Claim 9 recites (with emphasis added):

In a virtual tuner executed on a client, a method comprising:  
receiving, by the virtual tuner, a selection made from a plurality of content using an EPG that is output by the client, wherein:  
the EPG includes a representation of each said content for simultaneous display by the client;  
each said content is provided for output by a respective one or more of a plurality of applications; and  
at least one said content is television programming;  
choosing, by the virtual tuner, one or more of the plurality of applications that, when executed, provide the selected content represented by the EPG, wherein the choosing is independent of any application identifying information originating from a computer distinct from the client; and

managing, by the virtual tuner without user intervention, a lifecycle of the chosen one or more applications including execution of the chosen one or more applications to output the selected content.

A combination of Knudson '823, D'Souza, and Jerding '982, assuming the trio is properly combinable, which Applicant does not concede, does not render unpatentable claim 9.

Knudson '823 describes an interactive program guide representing multiple channels over which media content is available, and that each of the channels carries programming of primarily one media type. Thus, there are television channels, digital audio channels, games channels, video-on-demand channels, data channels, etc. See Knudson '823, c. 6, ll. 12-15. The program guide may provide the user with the option of creating a favorites channel list that stores channels designated as favorites in a single list, without regard to media type. *Id.*, c. 6, ll. 64 to c. 7, ll. 2. FIG. 10 of Knudson '823 illustrates a selection screen wherein the program guide displays program listings for channels of available media types. Selection of any channel, regardless of favorite status or media type, is available from this screen. See *Id.*, FIG. 10 and c. 9, ll. 5-9.

However, the Office acknowledges, and Applicant agrees that Knudson '823 does not teach or suggest at least "managing, by the virtual tuner execution of the chosen one or more applications to output the selected content," as previously recited in claim 9. In an effort to remedy the deficiency, the Office cites D'Souza. *Action*, pp. 13-15. Applicant has discussed D'Souza above. Moreover, the Office acknowledges that the purported combination of Knudson '823 and D'Souza does not

teach or suggest "managing a lifecycle of the chosen one or more applications," and cites Jerding '982 in an effort to remedy the deficiency. *Action*, p. 15.

Jerding '982 describes a "service application manager (SAM)" as follows:

service application manager (SAM) 29 [as] a component of [a] platform 27 that provides a model in which the **subscriber can access services available on the system**. A service consists of an application to run and a parameter, such as data content, specific to that service. The SAM 29 handles the lifecycle of the applications on the system, including the definition, initiation, activation, suspension and deletion of services they provide ad the downloading of the application into the DHCT 16 as necessary.

*Jerding '982*, c. 3, ll. 19-27 (emphasis added).

Thus, the SAM discussed in Jerding '982 merely makes services on a system available for a subscriber to access. That is, user interaction is necessary with the SAM of Jerding '982, which is contrary to "**managing, by the virtual tuner without user intervention, a lifecycle of the chosen one or more applications** including execution of the chosen one or more applications to output the selected content" as recited in claim 9, is misplaced.

For at least the reasons presented herein, the combination of Knudson '823, D'Souza, and Jerding '982, does not teach or suggest all of the features of claim 9. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 9.

#### *Dependent Claims 11, 13, 14, 16, 49, 56, and 57*

Claims 11, 13, 14, 16, 49, 56, and 57 each ultimately depend from independent claim 9. As discussed above, claim 9 is allowable over the cited documents. Therefore, claims 11, 13, 14, 16, 49, 56, and 57 are also allowable over the cited documents of

record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 11, 13, 14, 16, 49, 56, and 57.

**Claim 15 Is Non-Obvious Over Knudson '823, D'Souza, Jerding '982, Houghton, and Hassell '615**

Claim 15 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '982, Houghton, and Hassell '615. Applicant respectfully traverses the rejection.

Claim 15 depends from independent claim 9. As discussed above, claim 9 is allowable over the combination of Knudson '823, D'Souza, and Jerding '982. The Office cites Houghton and Hassell '615 as allegedly teaching the respective features of dependent claim 15. However, Houghton and Hassell '615 fail to remedy the deficiencies of Knudson '823, D'Souza, and Jerding '982 as noted above with regard to independent claim 9. Therefore, claim 15 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 15.

**Claims 25 and 27-29 Are Non-Obvious Over Knudson '823, D'Souza, Jerding '616, and Takahashi**

Claims 25 and 27-29 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '616, and Takahashi. Applicant respectfully traverses the rejection. Nevertheless, solely in the interest of expediting

issuance, Applicant amends claim 25 as shown above. Applicant respectfully requests that the Office reconsider claims 25 and 27-29.

*Independent Claim 25*

Claim 25, as amended herein, recites (added language underlined):

A client comprising:

a processor;

a network interface, communicatively coupled to the processor, configured to provide a network connection to a wide area network (WAN); an output interface, communicatively coupled to the processor, the output interface configured to provide an output for rendering by a display device; and

a memory configured to maintain:

a plurality of applications that are executable on the processor to provide an output of content on the output interface, the content including remote content available over the WAN and local content available locally on the client and the local content being comprised of user created content;

an electronic program guide (EPG) engine that is executable on the processor to provide an EPG for output on the output interface, wherein the EPG simultaneously displays a plurality of representations of said content for selection; and

a virtual tuner that is executable on the processor to launch one or more of said plurality of applications in response to selection of said representations of said content, independent of any application identifying information originating from a computer distinct from the client, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications.

Applicant has discussed Knudson '823 and D'Souza above. The Office acknowledges, and Applicant agrees that the combination of Knudson '823 and D'Souza does not teach or suggest at least "a memory configured to maintain: a plurality of applications that are executable on the processor to provide an output of content on the output interface," as previously recited in claim 25. In an effort to remedy

the deficiency, the Office cites Jerding '616. *Action*, pp. 22-23. Jerding '616 describes, "providing a plurality of programming services in a television system." *Jerding '616*, Title. Moreover, the Office acknowledges, and Applicant agrees that the combination of Knudson '823, D'Souza, and Jerding '616 do not teach or suggest at least "local content available locally on the client and the local content being comprised of user provided content," as previously recited in claim 25. In an effort to remedy the deficiency, the Office cites Takahashi. *Action*, p. 23 (citing Takahashi, FIG. 7; [0083], [0086], and [0094].

However, none of the cited documents, whether taken alone or in combination, teach or suggest "local content being comprised of user created content," as recited in amended claim 25.

Instead, Takahashi describes reading table of contents (TOC) information from a DVD disc, and based on the TOC information updating an EPG screen. *See Takahashi*, [0086]. The example provided in Takahashi is causing the TOC information of a commercial DVD disc, "Star Wars 128 min" to appear on the line for DVD of FIG. 7. *Id.*, FIG. 7 and [0086]. Thus, Takahashi in no way teaches or suggests that the EPG would present a representation of content including user created content.

For at least the reasons presented herein, the combination of Knudson '823, D'Souza, Jerding '616, and Takahashi does not teach or suggest all of the features of amended claim 25. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 25.

Dependent Claims 27-29

Claims 27-29 depend from independent claim 25. As discussed above, claim 25 is allowable over the cited documents. Therefore, claims 27-29 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 27-29.

Claim 26 Is Non-Obvious Over Knudson '823, D'Souza, Jerding '616, Takahashi, and Jerding '982

Claim 26 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '616, Takahashi, and Jerding '982. Applicant respectfully traverses the rejection.

Claim 26 depends from independent claim 25. As discussed above, claim 25 is allowable over the combination of Knudson '823, D'Souza, Jerding '616, and Takahashi. The Office cites Jerding '982 as allegedly teaching, "the virtual tuner is further executable to terminate execution of the one or more said applications," as recited in claim 26. However, Jerding '982 fails to remedy the deficiencies of Knudson '823, D'Souza, Jerding '616, and Takahashi as noted above with regard to independent claim 25. Therefore, claim 26 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 26.

**Claim 30 Is Non-Obvious Over Knudson '823, D'Souza, Jerding '616, Takahashi, and Knudson '577**

Claim 30 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '616, Takahashi, and Knudson '577. Applicant respectfully traverses the rejection.

Claim 30 depends from independent claim 25. As discussed above, claim 25 is allowable over the combination of Knudson '823, D'Souza, Jerding '616, and Takahashi. The Office cites Knudson '577 as allegedly teaching that "the WAN is the Internet," as previously recited in claim 30. However, Knudson '577 fails to remedy the deficiencies of Knudson '823, D'Souza, Jerding '616, and Takahashi as noted above with regard to independent claim 25. Therefore, claim 30 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 30.

**Claim 41 Is Non-Obvious Over Ellis, Hassell '615, D'Souza, and Shnier**

Claim 41 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ellis, Hassell '615, D'Souza, and Shnier. Applicant respectfully traverses the rejection.

Claim 41 depends from independent claim 1. As discussed above, claim 1 is allowable over the combination of Ellis, Hassell '615, and D'Souza. The Office cites Shnier as allegedly teaching the respective features of dependent claim 41. However, Shnier fails to remedy the deficiencies of Ellis, Hassell '615, and D'Souza as noted above with regard to independent claim 1. Therefore, claim 41 is also allowable over

the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 41.

**Claim 42 Is Non-Obvious Over Ellis, Hassell '615, D'Souza, and Takahashi**

Claim 42 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ellis, Hassell '615, D'Souza, and Takahashi. Applicant respectfully traverses the rejection. Nevertheless, solely in the interest of expediting issuance, Applicant amends claim 42 as shown above. Applicant respectfully requests that the Office reconsider claim 42.

Claims 42 depends from independent claim 1. As discussed above, claim 1 is allowable over the combination of Ellis, Hassell '615, and D'Souza. Before the amendment, the Office cites Takahashi as allegedly teaching "the locally available media assets further including a user provided local media asset," as formerly recited in claim 42. However, Takahashi fails to remedy the deficiencies of Ellis, Hassell '615, and D'Souza as noted above with regard to independent claim 1. Therefore, claim 42 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

For example, as amended, claim 42 recites that the local media assets include "a user created local media asset." Similar to the discussion above regarding user created content in claim 25, Takahashi instead merely discusses a commercial DVD disc "Star Wars" being inserted into a DVD player.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of amended claim 42.

**Claim 43 Is Non-Obvious Over Ellis, Hassell '615, D'Souza, and Hoarty**

Claim 43 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ellis, Hassell '615, D'Souza, and Hoarty. Applicant respectfully traverses the rejection.

Claim 43 depends from independent claim 1. As discussed above, claim 1 is allowable over the combination of Ellis, Hassell '615, and D'Souza. The Office cites Hoarty as allegedly teaching the respective features of dependent claim 43. However, Hoarty fails to remedy the deficiencies of Ellis, Hassell '615, and D'Souza as noted above with regard to independent claim 1. Therefore, claim 43 is also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 43.

**Claim 44 Is Non-Obvious Over Ellis, Hassell '615, D'Souza, and Grooters**

Claim 44 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ellis, Hassell '615, D'Souza, and Grooters. Applicant respectfully traverses the rejection.

Claim 44 depends from independent claim 1. As discussed above, claim 1 is allowable over the combination of Ellis, Hassell '615, and D'Souza. The Office cites Grooters as allegedly teaching the respective features of dependent claim 44. However, Grooters fails to remedy the deficiencies of Ellis, Hassell '615, and D'Souza

as noted above with regard to independent claim 1. Therefore, claim 44 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 44.

**Claim 45 Is Non-Obvious Over Ellis, Hassell '615, D'Souza, Shnier, and Grooters**

Claim 45 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ellis, Hassell '615, D'Souza, Shnier, and Grooters. Applicant respectfully traverses the rejection.

Claim 45 depends from independent claim 1. As discussed above, claim 1 is allowable over the combination of Ellis, Hassell '615, and D'Souza. The Office cites Shnier and Grooters as allegedly teaching the respective features of dependent claim 45. However, Shnier, and Grooters fail to remedy the deficiencies of Ellis, Hassell'615, and D'Souza as noted above with regard to independent claim 1. Therefore, claim 45 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 45.

**Claim 46 Is Non-Obvious Over Ellis, Hassell '615, D'Souza, Hassell '304, Shnier, and Grooters**

Claim 46 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Ellis, Hassell '615, D'Souza, Hassell '304, Shnier, and Grooters. Applicant

respectfully traverses the rejection. Nevertheless, solely in the interest of expediting issuance, Applicant amends claim 46 to introduce features to claim 1, as discussed above.

Claim 46 depends from independent claim 1. As discussed above, claim 1 is allowable over the combination of Ellis, Hassell '615, and D'Souza. The Office cites Hassell '304, Shnier, and Grooters as allegedly teaching the respective features of dependent claim 46. However, Hassell '304, Shnier, and Grooters fail to remedy the deficiencies of Ellis, Hassell '615, and D'Souza as noted above with regard to independent claim 1. Therefore, claim 46 is also allowable over the cited documents of record for at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 46.

**Claim 50 Is Non-Obvious Over Knudson '823, D'Souza, Jerding '982, and Takahashi**

Claim 50 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '982, and Takahashi. Applicant respectfully traverses the rejection. Nevertheless, solely in the interest of expediting issuance, Applicant amends claim 50 as shown above. Applicant respectfully requests that the Office reconsider claim 50.

Claim 50 depends from independent claim 9. As discussed above, claim 9 is allowable over the combination of Knudson '823, D'Souza, and Jerding '982. Before the amendment, the Office cites Takahashi as allegedly teaching "at least a second said content comprises user provided content," as formerly recited in claim 50. However,

Takahashi fails to remedy the deficiencies of Knudson '823, D'Souza, and Jerding '982 as noted above with regard to independent claim 9. Therefore, claim 50 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

For example, as amended, claim 50 recites, "at least a second said content comprises user created content." Similar to the discussion above regarding user created content in claim 25, Takahashi instead merely discusses a commercial DVD disc "Star Wars" being inserted into a DVD player.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 50.

**Claims 51 and 53 Are Non-Obvious Over Knudson '823, D'Souza, Jerding '982, and Hoarty**

Claims 51 and 53 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '982, and Hoarty. Applicant respectfully traverses the rejection.

**Dependent Claims 51 and 53**

Claims 51 and 53 depend from independent claim 9. As discussed above, claim 9 is allowable over the combination of Knudson '823, D'Souza, and Jerding '982. The Office cites Hoarty as allegedly teaching the respective features of dependent claims 51 and 53. However, Hoarty fails to remedy the deficiencies of Knudson '823, D'Souza, and Jerding '982 as noted above with regard to independent claim 9. Therefore, claims 51 and 53 are also allowable over the cited documents of record for at

least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 51 and 53.

**Claim 54 Is Non-Obvious Over Knudson '823, D'Souza, Jerding '982, Shnier, and Grooters**

Claim 54 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '982, Shnier, and Grooters. Applicant respectfully traverses the rejection.

Claim 54 depends from independent claim 9. As discussed above, claim 9 is allowable over the combination of Knudson '823, D'Souza, and Jerding '982. The Office cites Shnier and Grooters as allegedly teaching the respective features of dependent claim 54. However, Shnier, and Grooters fail to remedy the deficiencies of Knudson '823, D'Souza, and Jerding '982 as noted above with regard to independent claim 9. Therefore, claim 54 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 54.

**Claim 55 Is Non-Obvious Over Knudson '823, D'Souza, Jerding '982, Hassell '304, Shnier, and Grooters**

Claim 55 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '982, Hassell '304, Shnier, and Grooters. Applicant respectfully traverses the rejection.

Claim 55 depends from independent claim 9. As discussed above, claim 9 is allowable over the combination of Knudson '823, D'Souza, and Jerding '982. The Office cites Hassell '304, Shnier, and Grooters as allegedly teaching the respective features of dependent claim 55. However, Hassell '304, Shnier, and Grooters fail to remedy the deficiencies of Knudson '823, D'Souza, and Jerding '982 as noted above with regard to independent claim 9. Therefore, claim 55 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 55.

**Claim 58 Is Non-Obvious Over Knudson '823, D'Souza, Jerding '616, Takahashi, and Shnier**

Claim 58 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '616, Takahashi, and Shnier. Applicant respectfully traverses the rejection.

Claim 58 depends from independent claim 25. As discussed above, claim 25 is allowable over the combination of Knudson '823, D'Souza, Jerding '616, and Takahashi. The Office cites Shnier as allegedly teaching the respective features of dependent claim 58. However, Shnier fails to remedy the deficiencies of Knudson '823, D'Souza, Jerding '616, and Takahashi as noted above with regard to independent claim 25. Therefore, claim 58 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 58.

**Claim 59 Is Non-Obvious Over Knudson '823, D'Souza, Jerding '616, Takahashi, and Hoarty**

Claim 59 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '616, Takahashi, and Hoarty. Applicant respectfully traverses the rejection.

Claim 59 depends from independent claim 25. As discussed above, claim 25 is allowable over the combination of Knudson '823, D'Souza, Jerding '616, and Takahashi. The Office cites Hoarty as allegedly teaching the respective features of dependent claim 59. However, Hoarty fails to remedy the deficiencies of Knudson '823, D'Souza, Jerding '616, and Takahashi as noted above with regard to independent claim 25. Therefore, claim 59 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 59.

**Claims 60 and 61 Are Non-Obvious Over Knudson '823, D'Souza, Jerding '616, Takahashi, and Grooters**

Claims 60 and 61 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '616, Takahashi, and Grooters. Applicant respectfully traverses the rejection.

Dependent Claims 60 and 61

Claims 60 and 61 depend from independent claim 25. As discussed above, claim 25 is allowable over the combination of Knudson '823, D'Souza, Jerding '616, and Takahashi. The Office cites Grooters as allegedly teaching the respective features of dependent claims 60 and 61. However, Grooters fails to remedy the deficiencies of Knudson '823, D'Souza, Jerding '616, and Takahashi as noted above with regard to independent claim 25. Therefore, claims 60 and 61 are also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 60 and 61.

Claim 62 Is Non-Obvious Over Knudson '823, D'Souza, Jerding '616, Takahashi, Shnier, and Grooters

Claim 62 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '616, Takahashi, Shnier, and Grooters. Applicant respectfully traverses the rejection.

Claim 62 depends from independent claim 25. As discussed above, claim 25 is allowable over the combination of Knudson '823, D'Souza, Jerding '616, and Takahashi. The Office cites Shnier and Grooters as allegedly teaching the respective features of dependent claim 62. However, Shnier, and Grooters fail to remedy the deficiencies of Knudson '823, D'Souza, Jerding '616, and Takahashi as noted above with regard to independent claim 25. Therefore, claim 62 is also allowable over the cited documents

of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 62.

**Claim 63 Is Non-Obvious Over Knudson '823, D'Souza, Jerding '616, Takahashi, Hassell '304, Shnier, and Grooters**

Claim 63 stands rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Knudson '823, D'Souza, Jerding '616, Takahashi, Hassell '304, Shnier, and Grooters. Applicant respectfully traverses the rejection.

Claim 63 depends from independent claim 25. As discussed above, claim 25 is allowable over the combination of Knudson '823, D'Souza, Jerding '616, and Takahashi. The Office cites Hassell '304, Shnier, and Grooters as allegedly teaching the respective features of dependent claim 63. However, Hassell '304, Shnier, and Grooters fail to remedy the deficiencies of Knudson '823, D'Souza, Jerding '616, and Takahashi as noted above with regard to independent claim 25. Therefore, claim 63 is also allowable over the cited documents of record at least for dependency from an allowable base claim, and also for the additional features that it recites.

Moreover, the Office has not provided a reasoned rationale for why one of ordinary skill in the art of television virtual tuners at the time the application was filed (OOSITA) would be motivated to combine Knudson '823, D'Souza, Jerding '616, Takahashi, Hassell '304, Shnier, and Grooters to arrive at the subject matter recited in claim 63. The Office states "it would have been obvious to one of ordinary skill in the art to modify the system of Ellis, Hassell '615, D'Souza, Hassell '304, and Shnier to include terminating the application ... as taught by Grooters." *Action*, p. 74. However, based

on the documents cited by the Office, the hypothetical OOSITA would have had to find the claim obvious based on NINE cited documents: Ellis, Hassell '615, Knudson '823, D'Souza, Jerding '616, Takahashi, Hassell '304, Shnier, and Grooters. Applicant respectfully submits that the Office has not proven that such a combination would have been obvious at the time the application was filed.

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 63.

### **Conclusion**

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.

If any issues remain that would prevent allowance of this application, Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

By: /Bea Koempel-Thomas 58213/ Dated: December 23, 2011

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